

THE CITY OF ASHEVILLE OFFICE OF ECONOMIC DEVELOPMENT,  
ASHEVILLE BUNCOMBE TECHNICAL COMMUNITY COLLEGE, AND  
THE U. S. DEPARTMENT OF HOMELAND SECURITY  
PRESENT

# “Understanding Lawful Employment”

*Tuesday,  
August 4th, 2009  
10:00 a.m.-Noon*

*Networking and Registration begins at  
9:30 am*

*At the  
AB Tech Enka Campus  
Room 200 of the Haynes Center  
1459 Sand Hill Road  
Candler, NC*

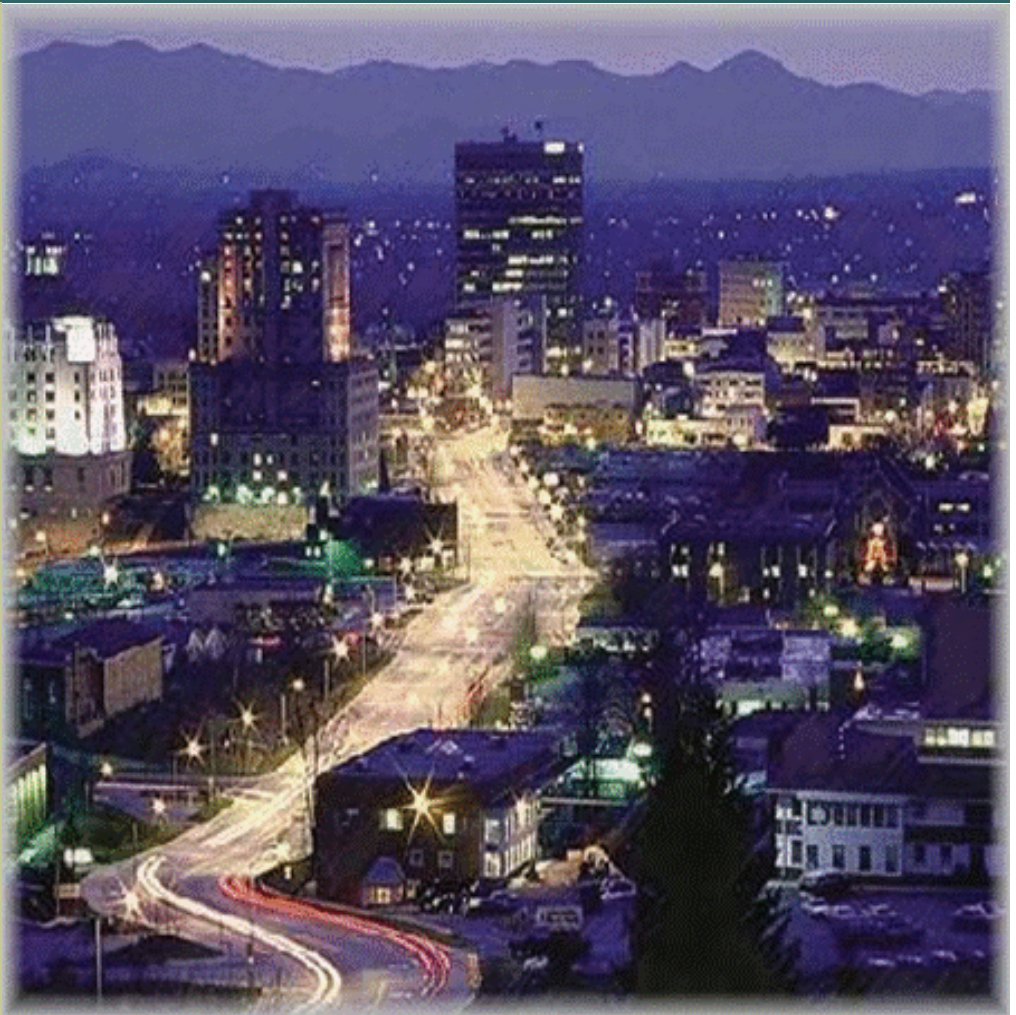
**THERE IS NO COST TO  
ATTEND THIS SEMINAR**

*Q & A Panelists from*

- US Department of Homeland Security
- WCI, Inc.
- NC Society for Human Resource Management/ Strategic Workplace Solutions
- Small Business and Technology Development Center

**Advance signup is required and seating is limited. Please contact Janet Dack, Administrative Assistant at the Office of Economic Development with the City of Asheville to reserve your seat at:**  
**(828)232.4505**  
**[jdack@ashevillenc.gov](mailto:jdack@ashevillenc.gov)**

Area Service Providers will be present to answer questions. Agenda will be sent out after registration and available on site



**Gather valuable information regarding:**

- Understanding the I-9 Forms
- IMAGE Program (ICE Mutual Agreement between Government and Employers)
- E-Verify
- Find assistance resources
- Understand Government Contracting and Lawful Employment

## **HELPFUL LINKS**

Federal Acquisition Regulation (history and full text)

[www.regulations.gov](http://www.regulations.gov)

Form I-9 Interim Final Rule

[www.regulations.gov](http://www.regulations.gov)

(Search term: "Employment Eligibility Verification")

E-Verify Website

[www.dhs.gov/e-verify](http://www.dhs.gov/e-verify)

Popular Government Magazine

[www.sog.unc.edu/popgov](http://www.sog.unc.edu/popgov)

US Department of Homeland Security

[www.dhs.gov](http://www.dhs.gov)

To access DHS/ICE info on IMAGE:

[www.ice.gov/image](http://www.ice.gov/image)

To access DHS/USCIS employer information access:

<http://www.uscis.gov/portal/site/uscis/menuitem.eb1d4c2a3e5b9ac89243c6a7543f6d1a/?vgnextoid=91919c7755cb9010VgnVCM10000045f3d6a1RCRD&vgnnextchannel=91919c7755cb9010VgnVCM10000045f3d6a1RCRD>

To access DHS/USCIS information on E-Verify:

<http://www.uscis.gov/portal/site/uscis/menuitem.eb1d4c2a3e5b9ac89243c6a7543f6d1a/?vgnextoid=75bce2e261405110VgnVCM1000004718190aRCRD&vgnnextchannel=75bce2e261405110VgnVCM1000004718190aRCRD>

To enroll in E-Verify:

<https://e-verify.uscis.gov/enroll/StartPage.aspx?JS=YES>

To access non immigrant classification and visa categories:

<http://www.uscis.gov/portal/site/uscis/menuitem.5af9bb95919f35e66f614176543f6d1a/?vgnextoid=e6c08875d714d010VgnVCM10000048f3d6a1RCRD&vgnnextchannel=ca408875d714d010VgnVCM10000048f3d6a1>

To access immigrant classification and visa categories:

<http://www.uscis.gov/portal/site/uscis/menuitem.5af9bb95919f35e66f614176543f6d1a/?vgnextoid=35e417d8d673e010VgnVCM1000000ecd190aRCRD&vgnnextchannel=ca408875d714d010VgnVCM10000048f3d6a1>

To access listing/information on employment-based permanent residence visa:

<http://www.uscis.gov/files/article/Bull14final110303.pdf>

To access the North Carolina Employment Security Commission Business Services:  
<http://www.ncesc.com/business/resources/resourcesmain.asp#nationalResources>

To access the South Carolina Illegal Immigration Reform Act - FAQs:  
<http://www.o hr.sc.gov/OHR/OHR-everify-faqs.phtm>

Western Carolina Industries, Inc.  
[www.wciinc.org](http://www.wciinc.org)

National Society for Human Resource Management  
[www.shrm.org](http://www.shrm.org)

North Carolina Society for Human Resource Management  
[www.ncshrm.org](http://www.ncshrm.org)

Small Business and Technology Development Center  
[www.sbt dc.org](http://www.sbt dc.org)

### **DHS/ICE TELEPHONE ADDRESSES**

**In addition, telephone assistance is available at the following numbers:**

- To report suspicious activity: 1-866-DHS-2-ICE
- For general employer information: 1-800-357-2099, Option 4
- For the USCIS National Customer Service Center: 1-800-375-5283
- For E-Verify information: 1-888-464-4218
- For student employment information: (202) 353-3046 (Administered by U.S. Immigration and Customs Enforcement)
- For IMAGE info: Darren Vazquetelles, Special Agent/IMAGE Outreach Coordinator 1-704-672-6390 [darren.vazquetelles@dhs.gov](mailto:darren.vazquetelles@dhs.gov) or Debora Fikes, Forensic Auditor 1-704-672-3823 [debora.fikes@dhs.gov](mailto:debora.fikes@dhs.gov)



*Charting the course for organizational success*

## STRATEGIC WORKPLACE SOLUTIONS, LLC

### **Understanding Lawful Employment Handout**

I-9 Best Practices, Presented by Carol Rovello

#### **HR Assessment Findings Related to the I-9:**

- Not done
  - This is not common.
  - Mostly start-ups
- Not done on time
- Incomplete
  - The most frequent omission is the employer signature and date.
- Incorrect
- Specific documents are requested
  - The most common documents required by the employer are the driver's license and social security card.
  - You must allow the employee to provide any acceptable document (one from column A or one each from columns B & C on page five of the Employment Verification (I-9) package).
- More documents are requested by the employer than are required by law
  - This most often occurs when the new employee has a "foreign" sounding name or speaks with an accent. To require more documents than required by law for selected employees is unlawful discrimination.

#### **Best Practices:**

- Always complete the I-9 as part of the hiring paperwork on the first day of work.
  - Include it on your hiring checklist as a separate item.
  - Initial and date this item on the hiring checklist to show completion.
- Send Employer Verification (I-9) Package page five (list of acceptable documents) before the first day of work and ask the employee to bring his/her selected documents on the first day.

- Be specific regarding one document from column A OR one document each from columns B & C.
- Keep completed I-9s separate from the employee files (i.e. in a notebook).
  - This practice makes it easier to locate and manage the I-9s. It allows you, a third party, and/or a regulatory agency to conduct an I-9 audit without rummaging through all of your employee files.
  - Keep a basic instruction sheet in the front of the notebook.
  - Keep in mind that the first three pages of the Employment Verification (I-9) package include instructions on how to complete the form.
  - ICE also provides a comprehensive I-9 Employer Handbook, which was updated in April 2009 to coincide with the revised I-9. This Handbook is available on the Strategic Workplace Solutions website page shown below:  
[www.strategic-workplace-solutions.com/about/hr-resources](http://www.strategic-workplace-solutions.com/about/hr-resources)
- Establish a “trigger” system for re-verifications and for when you can discard I-9s after the retention period expires.
  - You must retain I-9s for three years from the date of hire or one year after the termination date, whichever is later.
- There is a Spanish version that can be provided to help a Spanish-speaker understand the form.
  - The English version must still be completed, however, except in Puerto Rico.
- If you need to make a correction on the I-9, initial and date the correction.
  - The regulatory agencies expect your good faith efforts to comply; therefore, never back date or make corrections in a way that could be interpreted as fraudulent (i.e. no white-out).
- Don’t worry about the June 30, 2009 expiration date on the I-9. For now, it is still the most current version.
- If you have location(s) outside of the area, have a trained individual who is responsible for completing the I-9. This could be a general or office manager if you don’t have an HR rep.
  - If you have employees working in more isolated circumstances where you don’t have a responsible employee who can complete the I-9, you must have a trained agent of the company perform this function for you.
  - I-9s cannot be done by the employee and mailed to you. This approach would prevent the identity verification.





# **E-Verify and Doing Business with the Government**

***Small Business &  
Technology  
Development Center's  
(SBTDC)***

***Procurement Technical  
Assistance Center  
(PTAC)***

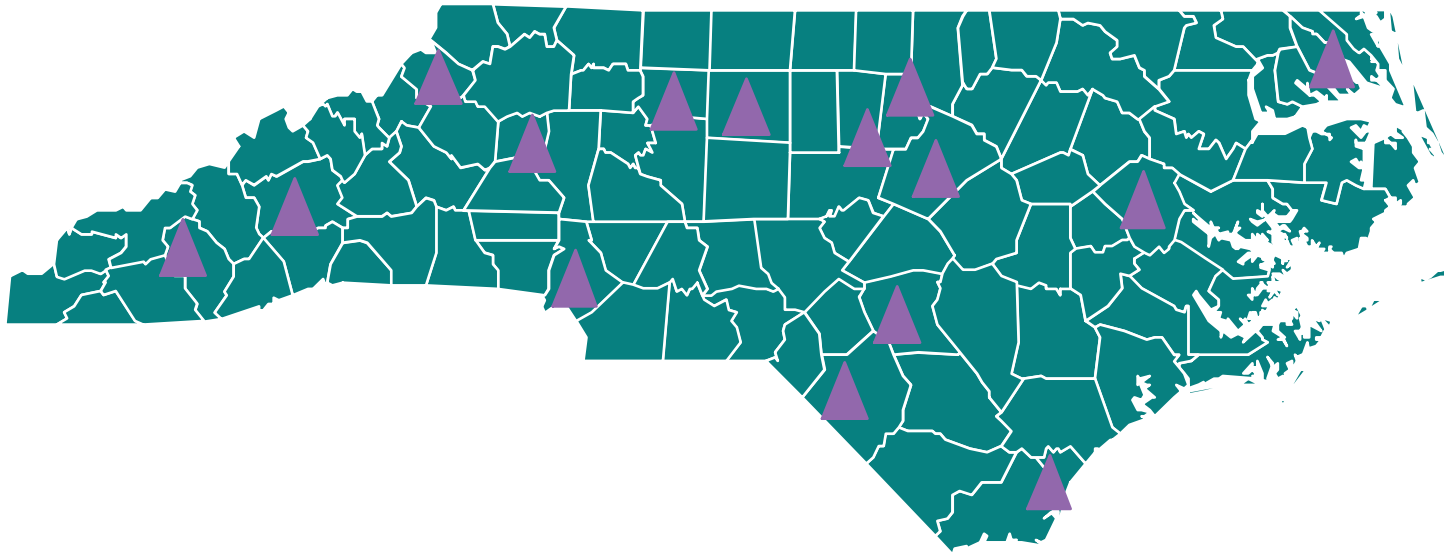
***Clark Fields  
Procurement Counselor  
828-251-6025***

# Small Business & Technology Development Center (SBTDC)

- Confidential one-on-one counseling
- General Business - planning, marketing, financing, human resources & operations
- Technology Commercialization
- Export Financing Assistance
- Boating Industry Services
- Management Education Services
- Procurement Technical Assistance Center (PTAC)

[www.sbtadc.org](http://www.sbtadc.org)

# Statewide Offices



***Asheville**, Boone, Chapel Hill, **Charlotte**, Cullowhee,  
Durham, Elizabeth City, **Fayetteville**, Greensboro,  
**Greenville**, Hickory, Pembroke,  
**Raleigh**, Wilmington, and Winston-Salem*





## PTAC assists you in. . .

- Understanding government rules and regulations
- Completing mandatory registrations and certifications
- Researching award histories
- Identifying contracting opportunities
- Reviewing bids and proposals
- GSA/VA Contracts and schedules
- Selling to the federal, state and local government

[http://www.sbtcd.org/services/gov\\_procurement.asp](http://www.sbtcd.org/services/gov_procurement.asp)

# E-Verify and Federal Contracting

- On June 6, 2008 President Bush issued an amendment to Executive Order 12989 requiring that federal prime contractors and subcontractors utilize the E-Verify system.
- The Federal Acquisition Regulation (FAR) was amended to require federal contractors to use E-Verify effective September 8, 2009.

# What does this mean for me as a contractor for the federal government?

- When a company is awarded a federal contract that contains the FAR E-Verify clause (52.222-1) it and its subcontractors are required to:
  - Enroll in the E-Verify program within 30 calendar days of the contract or subcontract award date
  - Initiate verification queries for employees who will be working on the contract and verify newly hired employees within 90 days of enrollment.
  - From then on, the company is required to initiate verification of new employees within 3 business days of their start date.

# How is “employee assigned to the federal contact” defined?

- Any employee hired after November 6, 1986, who is directly performing work in the United States under a contract that includes the clause committing the contractor to use E-Verify.
- An employee is not considered to be directly performing work under the contract if the employee normally performs support work, such as indirect or overhead functions AND does not perform any substantial duties under the contract.

# What Federal Contracts will be Affected?

- All prime federal contracts with a performance period longer than 120 days and a value above the simplified acquisition threshold (\$100,000).
- If the E-Verify clause is included in the prime contract, subcontractors are required to adhere to its requirements for services or construction with value over \$3,000.
- Existing indefinite-delivery/infinite-quantity contracts will be modified by contracting officers on a bilateral basis to include the clause for future orders if the remaining period of performance extends at least six months after the final rule effective date, and the amount of work or number of orders expected under the remaining performance period is substantial.

# What Contracts are Exempt?

- Contracts that include only commercially available off-the-shelf (COTS) items and related services.
  - Nearly all food and agricultural products are considered COTS items.
- Contracts less than the simplified acquisition threshold of \$100,000.
- Contracts less than 120 days.
- Contracts where all work is performed outside the United States.



# Questions or Comments?



## **Debora Fikes, US Department of Homeland Security**

Debora Fikes started in January 2007 with the Department of Homeland Security/Immigration and Customs Enforcement as a Forensic Auditor, tasked with assisting in Worksite Enforcement operations, asset forfeiture, and money laundering investigations.

Prior to starting with ICE, she worked at the USDA for 17 years as an Internal Auditor & Systems Accountant. She also has worked in public accounting & continues to work part time for New Orleans based Tax Attorney for the last 18 years preparing personal and business tax returns, so she is familiar with the inner workings of small local businesses. She is a licensed CPA in the states of North Carolina, South Carolina, and Louisiana and is a member of the AICPA and several other professional organizations.

## **Special Agent Darren Vazquetelles, US Department of Homeland Security**

Darren Vazquetelles has been working as a Special Agent for Immigration and Customs Enforcement of the Department of Homeland Security after transferring to Charlotte, NC on August 2001. Prior to that, he worked in Puerto Rico since 1997 as a Special Agent with the United States Customs Service of the Department of Treasury. His experience involves working in numerous narcotics, money laundering, and worksite enforcement investigations.

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- For IMAGE info: Darren Vazquetelles, Special Agent/IMAGE Outreach Coordinator 704-672-6390 [darren.vazquetelles@dhs.gov](mailto:darren.vazquetelles@dhs.gov) or Debora Fikes, Forensic Auditor 704-672-3823 [debora.fikes@dhs.gov](mailto:debora.fikes@dhs.gov)

## **C.M. (Mike) Moore, SPHR** **Director, Human Resource Consulting Services** **WCI, Inc.**

Mike Moore has thirty years of human resource management experience and expertise. During his career, he has been involved in all aspects of human resources, including recruitment, benefits design and administration, payroll, affirmative action and ethics programs, labor relations, training and development, as well as acquisitions and divestitures both foreign and domestic. Prior to joining WCI, Mike was responsible for human resources for the Photochemical Production Group of the AGFA Corporation. He is a native of Greenville, South Carolina and a graduate of Clemson University. At WCI, Mike is responsible for providing technical assistance to members in all areas of human resources and managing all WCI human resource training and consulting projects.

## **Carol Rovello, NC Society for Human Resource Management and President of Strategic Workplace Solutions**

With over 30 years of leadership experience, Carol helps companies anticipate and resolve human resource (HR) challenges, facilitate successful organizational change initiatives, and develop effective leaders and teams. Since she started her first consulting practice in October 1984, she has consulted with a broad range of clients in private industry, government, and the private, non-profit sector. This work includes HR-related assessments; HR technical assistance and problem-solving; organizational development (OD) initiatives; and professional development programs.

Between September 2000 and January 2006, Carol served as the Director of Employee and Organization Development for Asheville-Buncombe Technical Community College. In this position, she provided leadership for professional development, diversity, human resource-related projects, and organization development for major college initiatives, including regional accreditation. During this time, she continued to provide independent human resource consulting and training services for other companies and organizations.

Carol earned a Bachelor's Degree in Education from Glassboro State College, a Master's Degree in Administration from Rider College, and her certification as a Senior Professional of Human Resources (SPHR) in May 2003, with recertification in June 2006 and 2009. She is a member of the Society for Human Resource Management, the immediate past president of the Western North Carolina Human Resource Association, the District 1 Director for the NC Society for Human Resource Management, and a member of the Asheville Area Chamber of Commerce, where she has served as the chair of the Hot Tips Task Force and presented a variety of human resource-related programs. She is also a member of the Asheville Downtown Association, the Leadership Asheville Program Advisory Committee, and the Center for Diversity Education Board.

## **Clark Fields, Procurement Technical Assistance Counselor with Small Business and Technology Development Center (SBTDC)**

Clark Fields is the SBTDC's Procurement Technical Assistance Center counselor located in the Asheville satellite office of Western Carolina University. He serves the 28 westernmost counties of North Carolina. Clark is originally from Weaverville, North Carolina and graduated from the University of North Carolina at Chapel Hill. He is completing his MBA at Western Carolina University. The SBTDC recognized him with the Executive Director's Award of Excellence in 2008.